

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

AFFINITY LABS OF TEXAS, LLC,

Plaintiff,

v.

BMW NORTH AMERICA, LLC; BMW
MANUFACTURING CO., LLC; AMERICAN
HONDA MOTOR CO., INC.; HONDA
MANUFACTURING OF ALABAMA, LLC;
HYUNDAI MOTOR AMERICA, INC.;
HYUNDAI MOTOR MANUFACTURING
ALABAMA, LLC; MERCEDES-BENZ USA,
LLC; MERCEDES-BENZ U.S.
INTERNATIONAL, INC.; NISSAN NORTH
AMERICA, INC.; TOYOTA MOTOR NORTH
AMERICA, INC.; TOYOTA MOTOR SALES,
U.S.A., INC.; TOYOTA MOTOR
ENGINEERING & MANUFACTURING
NORTH AMERICA, INC.; VOLKSWAGEN
GROUP OF AMERICA, INC.

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT

Now comes Plaintiff Affinity Labs of Texas, LLC before this Court and alleges as its complaint and petition for relief against each and all of the Defendants as follows:

PARTIES

1. Plaintiff Affinity Labs of Texas, LLC ("Affinity") is a Texas limited liability corporation having offices at 3838 River Place Blvd., Austin, Texas 78730.

2. Upon information and belief, BMW North America, LLC is a Delaware corporation having its offices located at 300 Chesnut Ridge Road, Woodcliff Lake, New Jersey 07677-7731. Upon information and belief, Defendant BMW Manufacturing Co., LLC is a

Delaware corporation having its offices located at 1400 Highway 101S, Greer, South Carolina 29651-6731. Defendant BMW North America, LLC and Defendant BMW Manufacturing Co. LLC shall be referred to collectively herein as the “BMW Defendants.”

3. Upon information and belief, Defendant American Honda Motor Co., Inc. is a California corporation having its offices located at 1919 Torrance Blvd., Torrance, California 90501. Upon information and belief, Defendant Honda Manufacturing of Alabama, LLC is a Alabama corporation having its offices located at 1800 Honda Drive, Lincoln, Alabama 35096-5105. Defendant American Honda Motor Co., Inc. and Defendant Honda Manufacturing of Alabama, LLC shall be referred to collectively herein as the “Honda Defendants.”

4. Upon information and belief, Defendant Hyundai Motor America, Inc. is a California corporation having its offices located at 10550 Talbert Avenue, Fountain Valley, California 92728. Upon information and belief, Defendant Hyundai Motor Manufacturing Alabama, LLC is a Delaware corporation having its offices located at 700 Hyundai Boulevard, Montgomery, Alabama 36105. Defendant Hyundai Motor America, Inc. and Defendant Hyundai Motor Manufacturing Alabama, LLC shall be referred to collectively herein as the “Hyundai Defendants.”

5. Upon information and belief, Defendant Mercedes-Benz USA, LLC is a Delaware corporation having its offices located at 1 Mercedes Drive, Montvale, New Jersey 07645. Upon information and belief, Defendant Mercedes-Benz U.S. International, Inc. is a Alabama corporation having its offices located at 1 Mercedes Drive, Vance, Alabama 35490. Defendant Mercedes-Benz USA, LLC and Defendant Mercedes-Benz U.S. International, Inc. shall be referred to collectively herein as the “Mercedes Defendants.”

6. Upon information and belief, Defendant Nissan North America, Inc. ("Nissan") is a California corporation having its offices located at 333 Commerce Street, Nashville, Tennessee 37201-1800.

7. Upon information and belief, Defendant Toyota Motor North America, Inc. is a California corporation having its offices located at 9 West 57th Street, Suite 4900, New York, NY 10019. Upon information and belief, Defendant Toyota Motor Sales U.S.A., Inc. is a California corporation having its offices located at 19001 S Western Avenue, Torrance, California 90501. Upon information and belief, Defendant Toyota Motor Engineering & Manufacturing North America, Inc. is a Kentucky corporation having its offices located at 25 Atlantic Avenue, Erlanger, Kentucky 41018-3151. Defendant Toyota Motor North America, Inc.; Defendant Toyota Motor Sales U.S.A., Inc.; and Defendant Toyota Motor North America, Inc. shall be referred to collectively herein as the "Toyota Defendants."

8. Upon information and belief, Defendant Volkswagen Group Of America, Inc. ("Volkswagen") is a New Jersey corporation having its offices located at 3800 Hamlin Road, Auburn Hills, Michigan 48326-2829.

JURISDICTION AND VENUE

9. These claims arise under the Patent Laws of the United States, 35 U.S.C. §101 *et seq.*, in that each is a claim for infringement of a United States patent. The jurisdiction of this Court is founded upon 28 U.S.C. §§ 1331 and 1338(a).

10. This Court has personal jurisdiction over the Defendants. Upon information and belief, each of the Defendants has transacted business in this judicial district and/or has committed, contributed to, and/or induced acts of patent infringement in this judicial district.

11. Venue within this District is proper under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

COUNT 1: PATENT INFRINGEMENT OF THE '833 PATENT

12. The allegations of paragraphs 1-11 are incorporated herein by reference.

13. Plaintiff Affinity is the sole owner by assignment of United States Patent No. 7,324,833 ("the '833 Patent"), which issued on January 29, 2008 and is entitled "System and Method for Connecting a Portable Audio Player to an Automobile Sound System." A copy of the '833 Patent is attached hereto as Exhibit A.

14. Upon information and belief, the Defendants have infringed and, if not enjoined, will continue to infringe one or more claims of the '833 Patent by performing, without authority, one or more of the following acts: (a) making, using, offering for sale, or selling within the United States the invention as claimed in one or more claims of the '833 Patent, in violation of 35 U.S.C. § 271(a); (b) importing into the United States the invention as claimed in one or more claims of the '833 Patent, in violation of 35 U.S.C. § 271(a); (c) inducing infringement of one or more claims of the '833 Patent, in violation of 35 U.S.C. § 271(b); and/or (d) contributing to the infringement of one or more claims of the '833 Patent, in violation of 35 U.S.C. § 271(c) (the "acts of infringement of the '833 Patent").

15. The BMW Defendants' acts of infringement of the '833 Patent include the manufacturing, using, marketing, offering for sale, and/or selling of BMW branded automobiles with audio systems designed to integrate a portable digital media device with the automobile's on-screen display and user interface.

16. The Honda Defendants' acts of infringement of the '833 Patent include the manufacturing, using, marketing, offering for sale, and/or selling of Acura and Honda branded

automobiles with audio systems designed to integrate a portable digital media device with the automobile's on-screen display and user interface.

17. The Hyundai Defendants' acts of infringement of the '833 Patent include the manufacturing, using, marketing, offering for sale, and/or selling of Hyundai branded automobiles with audio systems designed to integrate a portable digital media device with the automobile's on-screen display and user interface.

18. The Mercedes Defendants' acts of infringement of the '833 Patent include the manufacturing, using, marketing, offering for sale, and/or selling of Mercedes-Benz branded automobiles with audio systems designed to integrate a portable digital media device with the automobile's on-screen display and user interface.

19. Nissan's acts of infringement of the '833 Patent include the manufacturing, using, marketing, offering for sale, and/or selling of Infiniti and Nissan branded automobiles with audio systems designed to integrate a portable digital media device with the automobile's on-screen display and user interface.

20. The Toyota Defendants' acts of infringement of the '833 Patent include the manufacturing, using, marketing, offering for sale, and/or selling of Lexus, Scion, and Toyota branded automobiles with audio systems designed to integrate a portable digital media device with the automobile's on-screen display and user interface

21. Volkswagen's acts of infringement of the '833 Patent include the manufacturing, using, marketing, offering for sale, and/or selling of Audi branded automobiles with audio systems designed to integrate a portable digital media device with the automobile's on-screen display and user interface.

22. Upon information and belief, Defendants will continue to infringe the '833 Patent unless enjoined by this Court.

23. As a result of Defendants' infringement, Affinity has suffered and will suffer damages.

24. Affinity is entitled to recover from Defendants the damages sustained by Affinity as a result of Defendants' wrongful acts in an amount subject to proof at trial.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38 and the Seventh Amendment of the United States Constitution, Affinity hereby demands a jury trial on all issues triable to a jury.

REQUEST FOR RELIEF

WHEREFORE, Affinity petitions this Court and requests that a judgment be entered and relief be granted as follows:

A. Declaring that each of the Defendants have infringed the '833 Patent as alleged herein (directly, by inducement, and/or contributorily);

B. Permanently enjoining, restraining, and prohibiting each of the Defendants, and any party acting through, for, or in concert with the Defendants from further infringing (directly, by inducement, or contributorily) any claim of the '833 Patent;

C. Awarding to Affinity such monetary or compensatory damages as may be found or deemed adequate to fully compensate Affinity for each of the Defendants' acts of infringement of the '833 Patent and/or any other injury suffered by Affinity due to the Defendants' acts of infringement of the '833 Patent;

D. Awarding to Affinity its costs; and

E. Awarding to Affinity such other, further, or general relief as this Court may deem proper.

Respectfully submitted,

Dated: August 27, 2008

By: /s/ Thomas W. Sankey
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